

9/9

Notice of Allowability

Application No.

09/883,475

Examiner

George Eng

Applicant(s)

HENRIKSON, ERIC HAROLD

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/23/2004.
2. ☒ The allowed claim(s) is/are 1,3-8,10-16 and 18.
3. ☒ The drawings filed on 28 August 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.


THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


GEORGE ENG
PRIMARY EXAMINER

EXAMINER'S AMENDMENT AND STATEMENT OF REASONS FOR ALLOWANCE

Examiner's Amendment

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Reginald J. Hill (Reg. No. 39,225) on 11/3/2004.

2. The application has been amended as follows:

1. (currently amended) In a communications system that supports conference calls that include an audio portion and a video portion, a method for selecting a primary video image from a plurality of video images, the method comprising the steps of:

receiving audio data in a digital form;

determining an amount of the audio data in digital form generated by each participant of a plurality of participants in a conference call;

selecting a dominating audio participant from the plurality of participants based upon the amount of the audio data in digital form generated by each participant of the plurality of participants;

and selecting a primary video image based on the dominating audio participant,

wherein the step of determining an amount of the audio data in digital form comprises counting a number of one of audio packets and audio samples in packet form generated by each participant of the plurality of participants.

2. (canceled).

3. (previously presented) The method of claim 1 wherein the step of determining an amount of the audio data in digital form comprises counting an amount of audio samples in audio packets.

4. (original) The method of claim 1 wherein the primary video image is larger than a plurality of remaining video images of the plurality of video images.

5. (original) The method of claim 1 further comprising the step of maintaining the primary video image for at least a predetermined period of time.

6. (currently amended) In a communications system that supports conference calls that include an audio portion and a video portion, a method for selecting a primary video image from a plurality of video images, the method comprising the steps of:

receiving audio data in a digital form;

determining an amount of the audio data in digital form generated by each participant of a plurality of participants in a conference call;

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determining whether a difference between an amount of the audio data in digital form generated by one participant of the plurality of participants and an amount of the audio data in digital form generated by other participants of the plurality of participants exceeds a predetermined threshold;

if the difference exceeds the predetermined threshold, then selecting a dominating audio participant from the plurality of participants based upon the amount of the audio data in digital form generated by each participant of the plurality of participants; and

selecting a primary video image based on the dominating audio participant,

wherein the step of determining an amount of the audio data in digital form comprises counting a number of one of audio packets and audio samples in packet form generated by each participant of the plurality of participants.

7. (previously presented) The method of claim 6 wherein the dominating audio participant generates an amount of the audio data in digital form that exceeds an amount of the audio data in digital form generated by each of a plurality of remaining participants of the plurality of participants.

8. (original) The method of claim 6 further comprising the step of:

if the difference does not exceed the predetermined threshold, then determining a loudness of audio for each participant of the plurality of participants; and

selecting the dominating audio participant based on the loudness for each participant of the plurality of participants.

9. (canceled).

10. (previously presented) The method of claim 6 wherein the step of determining an amount of the audio data in digital form comprises counting an amount of audio samples in audio packets.

11. (original) The method of claim 6 wherein the primary video image is larger than a plurality of remaining video images of the plurality of video images.

12. (original) The method of claim 6 further comprising the step of maintaining the primary video image for at least a predetermined period of time.

13. (currently amended) In a communications system that supports conference calls that include an audio portion and a video portion, an apparatus for selecting a primary video image from a plurality of video images, the apparatus comprising:

a first processor that:

receives audio data in a digital form; and

determines an amount of the audio data in digital form generated by each participant of a plurality of participants in a conference call;

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a second processor that selects a dominating audio participant from the plurality of participants based upon the amount of the audio data in digital form generated by each participant of the plurality of participants; and

a third processor that selects a primary video image based on the dominating audio participant,

wherein the first processor determines an amount of the audio data in digital form by counting a number of one of audio packets and audio samples in packet form generated by each participant of the plurality of participants.

14. (original) The apparatus of claim 13 wherein the first processor, the second processor and the third processor are a same processor.

15. (previously presented) The apparatus of claim 13 wherein at least two of the first processor, the second processor and the third processor are a same processor.

16. (original) The apparatus of claim 13 wherein the primary video image is larger than a plurality of remaining video images of the plurality of video images.

17. (canceled).

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18. (previously presented) The apparatus of claim 13 wherein the first processor determines an amount of the audio data in digital form by counting an amount of audio samples in audio packets.

Examiner's Statement of Reasons for Allowance

3. Claims 1, 3-8, 10-16 and 18 are allowed.

4. The following is an examiner's statement of reasons for allowance:

Applicant's invention is drawn to a efficient method for selecting a primary video image from a plurality of video images in a digital packet communication system that supports conference calls that include an audio portion and video portion (i.e., determining an amount of audio data generated by each participant on the conference call by counting a number of audio packets or by counting an amount of audio samples in audio packets, and selecting a dominant audio participant based upon the amount of audio data from each participant).

Applicant's claim 13 recites, *inter alia*, an apparatus for selecting a primary video image from a plurality of video images in a communication system with a structure as defined in the specification (pages 3-9) including a first processor that receives audio data in a digital form and determines an amount of the audio data in digital form generated by each participant of a plurality of participants in a conference call, a second processor that selects a dominating audio participant from the plurality of participants based upon the amount of the audio data in digital form generated by each participant of the plurality of participants, wherein the first processor determines an amount of the audio data in digital form by counting a number of one of audio

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packets and audio samples in packet form generated by each participant of the plurality of participants. Applicant's claim 13 comprises a particular combination of elements, which is neither taught nor suggested by the prior art.

Applicant's independent method claims 1 and 6 each recite, *inter alia*, determining an amount of the audio data in digital form generated by each participant of a plurality of participants in a conference call, selecting a dominating audio participant from the plurality of participants based upon the amount of the audio data in digital form generated by each participant of the plurality of participants, and selecting a primary video image based on the dominating audio participant, wherein the step of determining an amount of the audio data in digital form comprises counting a number of one of audio packets and audio samples in packet form generated by each participant of the plurality of participants. These steps, in combination of the remaining steps, are neither taught nor suggested by the prior art.

Accordingly, Applicant's claims are allowed for these reasons and the reasons recited by Applicant's in 10/02/2003, 4/5/2004, and 8/23/2004.

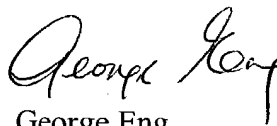
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Eng whose telephone number is 703-308-9555. The examiner can normally be reached on Tue-Fri 7:30 AM-6:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A. Kuntz can be reached on 703-305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



George Eng
Primary Examiner
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